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Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Thailand submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-39575 (E) 030706

Annex

Letter dated 9 March 2006 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to refer to your note verbale dated 9 December 2005 requesting information on Thailand's efforts to implement Security Council resolution 1624 (2005) on additional measures to combat terrorism.

In this connection, I have the honour to transmit herewith the report from Thailand on the implementation of the provisions of resolution 1624 (2005) for the use of the Counter-Terrorism Committee (see enclosure).

(*Signed*) Khunying Laxanachantorn **Laohaphan**
Ambassador and Permanent Representative
of Thailand to the United Nations

06-39575

Enclosure

Implementation of resolution 1624 (2005)

Paragraph 1

1.1 What measures does Thailand have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

- Thailand has taken the following measures in order to prohibit by law and to prevent incitement to commit a terrorist act or acts:

1. On 9 August 2003, the Thai Penal Code was amended to include new provisions criminalizing terrorist acts, including terrorist financing. Acts of terrorism are deemed as serious crimes as indicated in the Penal Code Article 135/1. Anyone who threatens to commit an offence; collects manpower or stockpiles weapons; provides or complies property; organizes, conspires abets or is aware of and conceals an act of terrorism, commits terrorist offences and is subject to penalties. In addition, anyone who is a member of a group and any organizations that have committed terrorist offences are also subject to penalties. The penalties for terrorist offences include the death penalty, life imprisonment, imprisonment and fines.

2. On 9 August 2003, the Anti-Money Laundering Act B.E. 2542 (1999) was amended in order to include terrorist offences under the Penal Code as predicate offences for money-laundering. Under the Anti-Money Laundering Act (AMILA), financial institutions and other professions involved in financial transactions are required to report: (1) cash transactions in excess of 2 million Bahts (approximately US$ 50,000); (2) property transactions in excess of 5 million Bahts (approximately US$ 125,000); and (3) suspicious transactions.

3. The Royal Thai Government issued the Emergency Decree on Government Administration in States of Emergency, B.E. 2548 (2005) on 16 July 2005 with the aim to restoring the security of the State, the safety of lives, and the safety of rights and liberties of the people. Upon a Declaration of States of Emergency, the Prime Minister shall have the following powers:

(i) to issue a Notification that a competent official shall have the power of arrest and detention over persons suspected of having a role in causing the emergency situation, or being an instigator, a propagator, a supporter of such act or concealing relevant information relating to the act which caused the emergency situation provided that this should be done to the extent that is necessary to prevent such person from committing an act or participating in the commission of any act which may cause a serious situation or to foster cooperation in the terminat. n of the serious situation;

(ii) to issue a Notification that a competent official shall have the power to summon any person to report to the competent official or to give an oral statement or submit any documents or evidence relating to the emergency situation;

(iii) to issue a Notification that a competent official shall have the power to seize or attach arms, goods, consumer products, chemical products or any other materials in the case where there are reasonable grounds to suspect that

such objects have been used or will be used to commit or support an act which causes an emergency situation;

(iv) to issue a Notification that a competent official shall have the power to issue a warrant for the search, removal, withdrawal or demolition of buildings, structures or obstructions as necessary for the exercise of functions in order to promptly terminate a serious situation where a delay might render the situation beyond control;

(v) to issue a Notification that a competent official shall have the power to issue an order to inspect letters, books, printed matters, telegraphic transmissions, telephone communications or any other means of communication as well as to cancel or suspend any contact or communication in order to prevent or terminate the serious incident provided that the rules prescribed in the law on special investigation are complied with mutatis mutandis;

(vi) to issue a Notification regarding the prohibition of any act or any instruction to perform an act to the extent that is necessary for maintaining the security of the State, the safety of the country or the safety of the people;

(vii) to issue a Notification that a competent official shall have the power to issue an order to prohibit any person from leaving the Kingdom where there are reasonable grounds to believe that the departure from the Kingdom will affect the security of the State or the safety of the country;

(viii) to issue a Notification that a competent official shall have the power to instruct an alien to leave the Kingdom in the case where there are reasonable grounds to believe that such person is a supporter in causing the emergency situation, provided that the law on immigration shall apply mutatis mutandis;

(ix) to issue a Notification that the purchase, sale use or possession of any arms, goods, medical products, consumer products, chemical products or any equipment which may be used for causing unrest or terrorism shall be reported to or permitted by the competent official or comply with any conditions set by the Prime Minister;

(x) to order the use of military force in order to assist administrative officials or police officers in terminating the serious situation or controlling the situation so as to promptly secure order, provided that the performance of functions by military officers shall be made pursuant to identical powers and duties of a competent official under this Emergency Decree, whereas the scope of the use of such powers and duties of the military shall be in accordance with the conditions and time condition prescribed by the Prime Minister but shall not exceed the powers under martial laws in the case where martial laws apply.

Under this decree, the Prime Minister can declare a State of Emergency for not more than 3 months in some area or all areas of the country, with the approval of the Cabinet. If necessary, the Prime Minister can extend the enforcement for another 3 months each time, with the Cabinet's approval.

1.2 What measures does Thailand take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

- Thailand has been cooperating with the international community in preventing and combating terrorism and transnational crimes by increasing information-sharing and establishing systems for information-sharing. Moreover, Thailand has also increased its immigration security. The signing of the Thai-US Memorandum of Intent puts into motion the Personal Identification Secure Comparison and Evaluation System (PISCES), a programme of enhancing immigration measures that may serve as the nucleus of a nationwide Terrorist Interdiction Program Border Control System.

Thailand has legislation enabling it to cooperate with other States. These measures include the Act on Mutual Assistance in Criminal Matters (1992) and the Extradition Act (1929). In addition, Thailand has entered into bilateral treaties on mutual legal assistance and extradition.

Paragraph 2

1.3 How does Thailand cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

- Cooperation with neighbouring countries to increase border security:

– Thailand engaged in regular meetings with neighbouring countries in order to increase border security. The meetings take place at all levels such as Township Border Committee (TCB), Regional Border Committee (RBC) and General Border Committee (GBC).

- Legal measures to prevent falsified passports and travel documents:

– The Ministry of Justice has submitted the proposal to amend the Penal Code to the Cabinet. The proposal is currently under the consideration of the Officer of the Council of State. This proposal aims at: (1) clarifying the definition of the term "passport"; (2) increasing penalties for offences involving falsified passports and travel documents as offences under Article 8 of the Penal Code; and (3) indicating that penalties for offences involving falsified passports and travel documents will be more serious than offences involving falsification of other documents.

- Thailand has close cooperation with other countries. A "black list" and a "watch list" with names of individuals who may have connections with terrorist groups have been prepared. Moreover, all passengers have to go through a walk-through metal detector, hand-held metal detector and X-ray machine before boarding.

Paragraph 3

1.4 What international efforts is Thailand participating in or considering participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

- Thailand has pursued cultural exchange programmes with other countries, especially with ASEAN countries, to promote and broaden understanding of different cultures.

1.5 What steps is Thailand taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

- Thailand is determined to condemn and fight terrorism of all forms. We believe in preventive measures in combating incitement of terrorist acts. Thailand tries to foster closer cooperation between the government and the general public to prevent terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters.

- On 16th January 2006, Prime Minister Thaksin Shinawatra, with the approval of the Cabinet, has established the Independent Commission on Justice and Civil Liberties in the Southern Border Provinces (ICJC). The Commission will seek to establish peace and reconciliation in the troubled South of Thailand.

Paragraph 4

1.6 What is Thailand doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

- Thailand assures that all measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all its obligations under international law, in particular international human rights law, refugee law, and humanitarian law.